

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-md-03036-RJC-DCK**

IN RE: GARDASIL PRODUCTS LIABILITY)
LITIGATION) MDL No. 3036
)
) THIS DOCUMENT RELATES TO
) ALL CASES
)
)
)
)

JOINT STATUS REPORT FOR JULY 25, 2023 PRETRIAL CONFERENCE

Pursuant to the Court's Third Pretrial Order, dated January 27, 2023, the parties jointly submit the following status report ahead of the Pretrial Conference scheduled on July 25, 2023, at 11:00 a.m.:

I. PLEADINGS

A. Merck's Federal Rule of Civil Procedure 12 Motion

Pursuant to the Third Pretrial Order, Merck filed a Federal Rule of Civil Procedure 12(c) motion in the Bergin (W.D.N.C.) and America (N.D.N.Y.) cases on February 7, 2023. D.E. 67, 68. Pursuant to the parties' agreement and the Court's text-only Order, Plaintiffs filed their response on March 9, 2023, and Merck's reply was filed on March 23, 2023.

B. Initial Bellwether Pool Plaintiffs' Amended Complaints

Thirteen of the sixteen plaintiffs in the Initial Bellwether Pool filed amended complaints on June 28, 2023. With the exception of two cases in which the parties have agreed to an extension on the deadline for amended pleadings and answers, Merck will file its case-specific answers on July 21, 2023.

II. DISCOVERY

A. Plaintiffs' Motion to Compel

On March 20, 2023, the Court entered its Order related to Plaintiffs' Motion to Compel. The parties continue to meet and confer regarding production logistics concerning the Gardasil and Gardasil 9 adverse event report information from the Merck Adverse event Reporting and Review System ("MARRS").

B. FRCP 30(b)(6) Depositions

The parties have scheduled two 30(b)(6) depositions to occur: one on July 27, 2023, and one on August 2, 2023. The parties continue to meet and confer about topic areas and the deposition protocol.

C. Privilege Log

The parties are meeting and conferring about documents on Merck's privilege log during the week of July 24th.

D. Plaintiffs' Fact Sheets

The parties continue to meet and confer about production format of materials Plaintiffs produced as part of PFS productions.

III. SCHEDULE

Due to the scheduling of the FRCP 30(b)(6) depositions, and the productive meeting and conferring occurring during the same timeframe, the parties propose the July 25, 2023 status conference be cancelled.

Date: July 18, 2023

/s/ K. Rachel Lanier

K. Rachel Lanier
Co-Lead Counsel for Plaintiffs
THE LANIER LAW FIRM
2829 Townsgate Rd STE 100,
Westlake Village, CA 91361
rachel.lanier@lanierlawfirm.com

Bijan Esfandiari
Co-Lead Counsel for Plaintiffs
WISNER BAUM
11111 Santa Monica Blvd, Suite 1750
Los Angeles, CA 90025
Telephone: (310) 207-3233
Facsimile: (310) 820-7444
besfandiari@wisnerbaum.com

Paul J. Pennock
Co-Lead Counsel for Plaintiffs
MORGAN & MORGAN
350 Fifth Avenue, Suite 6705
New York, NY 10118
Telephone: (212) 738-6839
ppennock@forthepeople.com

Allison Mullins
Liaison Counsel for Plaintiffs
MULLINS DUNCAN HARRELL & RUSSELL PLLC
300 N. Greene St., Suite 2000
Greensboro, NC 27401
Telephone: (336) 645-3321
amullins@turningpointlit.com

Respectfully submitted,

/s/ Allyson M. Julien

Allyson M. Julien
Co-Lead Counsel for Merck
GOLDMAN ISMAIL TOMASELLI
BRENNAN & BAUM LLP
200 South Wacker Drive
22nd Floor
Chicago, IL 60606
Telephone: (312) 881-5968
Facsimile: (312) 881-5191
ajulien@goldmanismail.com

David E. Dukes
Co-Lead Counsel for Merck
NELSON MULLINS RILEY & SCARBOROUGH LLP
1320 Main St., 17th Floor
Columbia, SC 29201
Telephone: (803) 255-9451
Facsimile: (803) 256-7500
david.dukes@nelsonmullins.com

David C. Wright III
Liaison Counsel for Merck
ROBINSON, BRADSHAW & HINSON P.A.
101 N. Tryon Street, Suite 1900
Charlotte, NC 28246
Telephone: (704) 377-8322
Facsimile: (704) 373-3922
dwright@robinsonbradshaw.com